Atty. Docket No.: PC-1397



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Kirschner et.al

Serial No.:

10/608974

Filed:

06/27/2003

For:

REPLACEABLE BLANK FIRING BARREL

Examiner:

Michelle R. Thomson

Group: 3641

Paper No.:

ELECTION

Commissioner of Patents and Trademarks P O Box 1450 Alexandria, VA 22313-1450

Honorable Commissioner:

I enclose the following papers:

1. ELECTION

Please enter the above correspondence.

Collign (males) Servine d'Albaga Legelles) L'asserver non 23717

Respectfully submitted,

Brian S. Steinberger PTO Registration No. 36,423 Client No.: 23717 101 Brevard Avenue Cocoa, Florida 32922 (321) 633-5080

Facsimile (321) 633-9322

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being sent by mail to the: Commissioner of Patents and Trademarks, Patent and Trademark Office, P O Box 1450, Alexandria, VA 22313-1450

7/20/04 Date

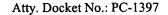
Brian S. Steinberger

(Name of Person Mailing Papers)

(Signature of Person Mailing Papers) Customer no.: 23717

10 () () () () ()

Same and the first of the same





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Serial No.:

Kirschner et. al 10/608,974

Filed:

06/27/2003

For:

REPLACEABLE BLANK FIRING BARREL

Examiner:

Michelle R. Thomson

Group: 3641

Paper No.:

ELECTION

Commissioner of Patents and Trademarks P O Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Action mailed June 23, 2004, Applicant elects to prosecute with traverse Invention I, Claims 1 - 17.

Based on the restriction requirement Applicant lists claims identified by the methods readable thereon as follows:

Invention number (I) Claims 1-17 are drawn to a barrel, classified in class 42, subclass 77.

Invention number (II) Claim 18 is drawn to a method of using a barrel, classified in class 89, subclass 29.

Invention number (III) Claims 19-25 are drawn to a method of forming a barrel, classified in class 89, subclass 14.7.

In reference to the Restriction requirement, Applicants again wish to make their election to prosecute the invention of Invention 1, Claims 1 -17. If further restrictions are merited, please let us know. Applicants disagree with the restriction requirement for several reasons.

A policy consideration behind a restriction requirement would suggest that separate inventions exist that inherently would include separate prior art searches, examinations, examiners, etc. The Primary Examiner does not state that different art units and/or different examiners would need to search and examine the inventions of Invention I through III. If Inventions I through III can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would create an undue time and financial burden on both the patent office and on the applicants.

Atty. Docket No.: PC-1397

Thus, any restriction requirement could have the effect of having different examiners working on the other inventions. Further, multiple examinations on these inventions would be repetitive and excessive. For these reasons, Applicants request reconsideration and withdrawal of the restriction requirement.

Respectfully Submitted:

Steinberger Fsg

Brian S. Steinberger, Esq. Registration No. 36,423 Law Offices of Brian S. Steinberger, P. A. 101 Brevard Avenue

Cocoa, Florida 32931

Telephone: (321) 633-5080 Fax: (321) 633-9322

Date 7/20/04